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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,410	01/27/2004	Peter Samuel Marx	G&C 200.I-US-U1	2194
22462	7590	12/09/2008	EXAMINER	
GATES & COOPER LLP			LE, DEBBIE M	
HOWARD HUGHES CENTER			ART UNIT	PAPER NUMBER
6701 CENTER DRIVE WEST, SUITE 1050				
LOS ANGELES, CA 90045			2168	
MAIL DATE		DELIVERY MODE		
12/09/2008		PAPER		

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/765,410

Filing Date: January 27, 2004

Appellant(s): MARX ET AL.

Anthony J. Orler
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed September 25, 2008 appealing from the Office action mailed March 25, 2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

7,024,205 B1

HOSE

April 4, 2005

2002/0069312 A1

JONES

JUNE 6, 2002

2003/0126150 A1 CHAN JULY 3, 2003

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-15 are rejected under 35 U.S.C 103(a) as being unpatentable over Hose with Jones and further in view of Chan.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hose (US Patent 7,024,205 B1) in view of Jones (US Patent Application Pub. No.

2002/0069312 A1) and further in view of Chan (U.S Patent Appl. No. 2003/0126150 A1).

As per claim 1, Hose discloses a contextual location-based service apparatus containing commercial location-based information, comprising:

a) a computer-based infrastructure (Fig. 1), comprising:

1) at least one database for storing the commercial location-based supplied by a commercial entity (col. 5, lines 65-67, location-based services, such as food outlets, hotels, towing services, etc. that the service information includes a database of service providers indexed to corresponding service locations);

2) a context manager, coupled to the database, for indexing and sorting the information stored in the database (col. 3, lines 35-41, as a network administrator allows service providers to register in a location-based service provider database, and the appropriate location information can be indexed to the service provider in the service provider database);

3) a contribution engine, coupled to the database, for entering, storing, managing, and retrieving additional information in the database (col. 5, 1-9, lines 65-67, as network platforms 112 can access, receiving and indexing the service information in a database of service providers corresponding to service location);

4) a locator, coupled to the contribution engine and the database, for converting a plurality of references to a specific location to a common

location designation (col. 5, lines 57-59, col. 6, lines 1-4, as GIS, service

locations may be stored in the form of latitude/longitude data, corresponding GIS or street address data, zip code or other regional or service area indicators, or other appropriate identifiers);

5) a location browser, coupled to the database, for retrieving and reviewing information in the database (col. 6, lines 55-66, as an Internet data link 122).

Hose does not explicitly appear to teach, (but Jones teaches) a database for storing a user-supplied location-based information, including at user-supplied location, supplied by a user other than the commercial entity on at least one location (para. 0005, the system and method for receiving, storing and providing access to a collection of entries collected from a variety of locations (i.e., the places that users have visited) as supplied by a multitude of remote users), wherein the user directly stores the user-supplied location-bases information in the database which is retrievable by at least one other user; wherein the user directly enters the additional user-supplied location-based information in the database (para. 005, maintaining records of the places the users have visited in the spatial-temporal information system on the web site that allow people to find information about other users have visited a specified geographical location). Thus, it would have been obvious to one of ordinary skill on the art at the time invention was made to combine the teachings of the cited references to implement the step of a database for storing a user-supplied location-based information, including at

user-supplied location, supplied by a user other than the commercial entity on at least one location, wherein the user directly stores the user-supplied location-bases information in the database which is retrievable by at least one other user; wherein the user directly enters the additional user-supplied location-based information in the database as disclosed by Jones because it would provide users of Hose's system to share the location-based information with other users of the system so that the other users of the system able to find out information (i.e., rating or comments about the place) of a special location (i.e., a place they may be visited) to learn more about the facts of that place based on individuals supplement their Geomarks with descriptive annotated information, for example, before visiting the place.

Hose and Jones do not explicitly teach, **but Chan discloses** the database which stores both the user-supplied location-based information and the commercial location-based information (para. 0021, the server allows user to feedback the comments (i.e., user rating) to the server-link to the merchandise database). Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to combine the teachings of the cited references to having a database stores both the user-supplied location-based information and the commercial location-based information as disclosed by Chan because it provides the users to have a chance to involve the location-based service information database. This would improve to make the location-based service database more completed and accurate.

As per claim 2, Hose teaches comprising a link manager, coupled to the database, for linking a plurality of locations within the database to each other (col. 6, lines 5-11).

As per claim 3, Jones teaches a rating engine, couple to the database, whereon the at least one client enters rating information stored in the about the user-supplied location-based information (Fig. 5, user provides location ratings, comments about the place they have visited, para. 0005, para. 0023).

As per claim 4, Hose teaches a charge and payment manager, coupled to the database, for controlling access to information in the database and for collecting fees from a user of a client for accessing the controlled access information in the database (col. 3, lines 50-54, col. 8, lines 46-53).

As per claim 5, Hose teaches a mapping engine, coupled to the database, for providing to the client a visual output of information, thematic information, and metadata-stored in the database (col. 7, lines 35-40, col. 5, lines 56-59, col. 8, lines 1-19).

As per claim 6, Hose teaches a route planner, coupled to the link manager and the database, for accessing information stored in the database in sequence as the client travels between the plurality of locations (col. 8, lines 1-4, col. 7, lines 35-40).

As per claim 7, Hose teaches an Intellectual Property manager, coupled to the database and the charge and payment manager, for providing proper access to intellectual property stored in the database (col. 3, lines 3-6, 50-54).

As per claim 8, Hose discloses a method for providing contextual location-based information in a system which includes at least commercial location-based information supplied by a commercial entity, comprising:

associating a plurality of information to the transition between locations

(col. 5, lines 65-67, as the service information includes a database of service providers indexed to corresponding service locations);

determining a location reference for each piece of contextual location-based information (col. 5, lines 57-59, col. 6, lines 1-4, as GIS, service locations may be stored in the form of latitude/longitude data, corresponding GIS or street address data, zip code or other regional or service area indicators, or other appropriate identifiers);

sorting the contextual location-based information by determined location reference (col. 3, lines 35-41, as a network administrator allows service providers to register in a location-based service provider database, and the appropriate location information can be indexed to the service provider in the service provider database);

accessing the database by a location query (col. 6, lines 55-57, receiving a subscriber's service request (i.e., Fig. 1, # 102), **wherein the location query is compared to the determined location reference of the contextual location-based information** (col. 8, lines 1-17, as the system compares the received LFE data and service information to identify candidate service providers based on location); **and**

reporting results of the location query to at least one other client (col. 3, lines 42-46, delivering location-based service information to the subscriber may involve

receiving and LFE based input regarding the service provider's location and providing service information to the subscriber based on the input regarding the service provider's location).

Hose does not explicitly teach, but Jones teaches **associating a plurality of user-supplied location-based information supplied by the user of the system other than the commercial entity, wherein the user-supplied contextual location-based information includes at least a user-supplied location** (para. 0005, the system and method for receiving, storing and providing access to a collection of entries collected from a variety of locations (i.e., the places that users have visited) as supplied by a multitude of remote users), **is stored directly into the database by the user of the system other than the commercial entity** (para. 005, maintaining records of the places the users have visited in the spatial-temporal information system on the web site that allow people to find information about other users have visited a specified geographical location). Thus, it would have been obvious to one of ordinary skill on the art at the time invention was made to combine the teachings of the cited references to implement the step of **associating a plurality of user-supplied location-based information supplied by the user of the system other than the commercial entity, wherein the user-supplied contextual location-based information includes at least a user-supplied location, is stored directly into the database by the user of the system other than the commercial entity** as disclosed by Jones because it would provide users of Hose's system to share the location-based information with other users of the system so that the other users of the system able to find out information (i.e.,

rating or comments about the place) of a special location (i.e., a place they may be visited) to learn more about the facts of that place based on individuals supplement their Geomarks with descriptive annotated information, for example, before visiting the place.

Hose and Jones do not explicitly teach, **but Chan discloses** wherein the database stores both the user-supplied location-based information and the commercial location-based information (para. 0021, the server allows user to feedback the comments (i.e., user rating) to the server-link to the merchandise database). Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to combine the teachings of the cited references to having a database stores both the user-supplied location-based information and the commercial location-based information as disclosed by Chan because it provides the users to have a chance to involve the location-based service information database. This would improve to make the location-based service database more completed and accurate.

As per claim 9, Hose teaches entering a fee amount for accessing a specific piece of contextual information; and charging the fee amount to a user before, during, or after the specific piece of contextual information is accessed (col. 3, lines 50-54).

As per claim 10, Hose teaches linking at least two determined location references to each other (col. 6, lines 1-11).

Claim 11 has similar limitations as claim 3, therefore, it is rejected under the same subject matter.

As per claim 12, Hose teaches a storing visual data as at least a portion of the contextual information entered in the database, for providing to the client a visual output

of information stored in the database (col. 7, lines 35-40, col. 5, lines 56-59, col. 8, lines 1-19).

As per claim 13, Hose teaches linking a plurality of pieces of contextual information in the database, for accessing the pieces of contextual information stored in the database in sequence (col. 8, lines 1-4, col. 7, lines 35-40).

As per claim 14, Hose teaches controlling access to intellectual property entered as contextual pieces of information stored in the database (col. 8, lines 46-65).

As per claim 15, Hose discloses a contextual location services system, comprising:

a database for storing contextual location-based information on a plurality of geographic locations (col. 5, lines 57-67, as the service information includes a database of service providers indexed to corresponding service locations (i.e., GIS data and service zones of particular service provider)), and

a client (as a subscriber 102, Fig. 1), which communicates with the database, for retrieving the stored contextual location-based information (col. 6, lines 63-65, receiving a subscriber's service request (i.e., Fig. 1, # 102), delivering location-based service information to the subscriber may involve receiving and LFE based input regarding the service provider's location and providing service information to the subscriber based on the input regarding the service provider's location), comprising a **mobile communications device** (col. 3, lines 55-62, as wireless transceiver location),

wherein the client retrieves information based on geographic location and is able to select one or more pieces of contextual location-based information for

presentation on the client (col. 7, lines 35-43, as the menu is displayed on the telephone such that a user can scroll through the menu and make a selection),

wherein presentation on the client includes audio presentation, video presentation, and audio/visual presentation (col. 6, lines 55-63, as voice and data link), **and the contextual location-based information includes at least location information and at least one other piece of information about the geographic location** (col. 6, lines 18-29, as providing local food outlet, service station or hotel information, the location-based service information can include not only information regarding service providers in the vicinity of the subscriber, but can also identify local service providers meeting criteria specified by the profile information).

Hose does not explicitly teach, (but Jones teaches) **a database for storing user-supplied contextual location-based information supplied by a user, wherein the user directly stores the user-supplied contextual location-based information, including a user-supplied location, into the database and at least one client, entering the user-supplied location-based information** (para. 0005, the system and method for receiving, storing and providing access to a collection of entries collected from a variety of locations (i.e., the places that users have visited) as supplied by a multitude of remote users, and maintaining records of the places the users have visited in the spatial-temporal information system on the web site that allow people to find information about other users have visited a specified geographical location), **wherein the client is able to rate the user-supplied contextual location-based information** (Fig. 5, para. 0005, para. 0023, users provide location ratings, comments about the

place they have visited). Thus, it would have been obvious to one of ordinary skill on the art at the time invention was made to combine the teachings of the cited references to implement the step of **a database for storing user-supplied contextual location-based information supplied by a user, wherein the user directly stores the user-supplied contextual location-based information, including a user-supplied location, into the database and at least one client, entering the user-supplied location-based information, wherein the client is able to rate the user-supplied contextual location-based information** as disclosed by Jones because it would provide users of Hose's system to share the location-based information with other users of the system so that the other users of the system able to find out information (i.e., rating or comments about the place) of a special location (i.e., a place they may be visited) to learn more about the facts of that place based on individuals supplement their Geomarks with descriptive annotated information, for example, before visiting the place.

Hose and Jones do not explicitly teach, but Chan discloses the database which stores both the user-supplied location-based information and the commercial location-based information (para. 0021, the server allows user to feedback the comments (i.e., user rating) to the server-link to the merchandise database). Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to combine the teachings of the cited references to having a database stores both the user-supplied location-based information and the commercial location-based information as disclosed by Chan because it provides the users to have a change to

involve the location-based service information database. This would improve to make the location-based service database more completed and accurate.

(10) Response to Argument

1). A contribution engine taught by Hose allows users directly enter data information into a database through the contribution engine (Appellants' brief on page 8, third paragraph and fifth paragraph).

Appellants allege that Hose does not allow a user directly enters data into a database through a contribution engine because Hose only allows the user to query and retrieve data entered by commercial entities. The Examiner respectfully disagrees with Appellants' arguments. Hose's Figure 1 teaches that the user's profile information, said profile information including user's demographic information, credit card information, etc. store in a storage #114 by the platform 112 (contribution engine), said profile information directly entered by the user (col., 5, lines 10-30, particularly, lines 28-29 that "such profile information may be entered by a carrier"). Consequently, Hose does teach allow a user directly enters data into a database through a contribution engine.

2). A contribution engine taught by Hose, as modified by Jones, allows users directly enter **user-supplied location-based information** into a database (Appellants' brief on page 7, 4th paragraph).

Appellants acknowledge that Jones does teach allow user enters user-supplied location based information in the Geomark database 236, said Geomark database 236 is separated from a commercial database. As seen, Hose's invention allows users to enter information data, but Hose fails to teach allow user to enter **specific** data such

"**location-based information**". Thus, it would have been obvious to one of ordinary skill on the art at the time invention was made to modify Hose's contribution engine with Jones's teachings so that the contribution engine taught by Hose would also allow users to directly enter "**user-supplied location based information** as disclosed by Jones because it would provide users of Hose's system to share the location-based information with other users of the system so that the other users of the system able to find out information (i.e., rating or comments about the place) of a special location (i.e., a place they may be visited) to learn more about the facts of that place based on individuals supplement their Geomarks with descriptive annotated information, for example, before visiting the place.

3). Chan combination with Hose and Jones teaches the user-supplied location-based information and the commercial location-based information both stored in the same database (Appellants' brief on page 7, last paragraph)

Appellants further allege that Chan fails to allow user-supplied location-based information because Chan only teaches allowing user to supply feedback information on a commercially-supply service or product. Thus, feedback on service or products is not "location-based information". The Examiner respectfully disagrees with Appellants' allegations. Page 2, paragraph [0025] and [0027], Chan discloses the user "went to check out the cheapest nearby YAHAMA piano" (paragraph [0022]) suggested by the commercial provider database. The user checked the cheapest nearby YAHAMA piano and realized that the location information provided by the information provider was wrong "the location of the piano is not the right location" (paragraph [0025]). Then,

Chan's system allows user to supply correct location-based information by allowing the user can go home and enter comments into the commercial provider database with providing the corrected location (location-based information) by disclosed that "the comments can be enter when the information user is near by that particular merchandise or he can enter the comments after he comes back the home or office". Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to combine the teachings of the cited references to having a database stores both the user-supplied location-based information and the commercial location-based information as disclosed by Chan because it provides the users to have a chance to involve the location-based service information database. This would improve to make the location-based service database more completed and accurate, as suggested by Chan (paragraph [0003-0004]).

4). Jones teaches user enters rating information in the database (Appellants' brief on page 3).

Appellants allege that Jones describes a user rating a location, not rating information in the database. The Examiner respectfully disagrees with Appellants' allegations. As seen, Jones's system allows user enters user-supplied location based information in the Geomark database 236. Jones further teaches that user can enter their ratings and or comments about the place they have visited (paragraph [0005, last 6 lines]. Thus, comments (rating information) about the specific geographical location they have visited stored in the user-supplied location-based information. Consequently,

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Jones's invention not only describe a user rating a location, but also teaches user enters rating information (comments about the place they have visited) in the database.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

(12) Evidence Appendix

None.

Conclusion

The references discloses the claimed a contribution engine coupled to the database for entering user-supplied location-based information and both the user-supplied location-based information and the commercial location-based information store within the same database and user enters rating information in the database. In light of the forgoing arguments, the examiner respectfully requests the honorable Board of Appeals and Interferences to sustain the rejection.

Respectfully submitted,

/DEBBIE M LE/
Primary Examiner, Art Unit 2168
November 24, 2008

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